

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROBERT ANTHONY, et al.,  
Plaintiffs,

v.

YAHOO!,  
Defendant.

Case No.: C 05-4175 RMW (PVT)

**ORDER RE PARTIES' PROPOSED  
FORM OF PROTECTIVE ORDER**

On September 22, 2006, the parties filed a [Proposed] Stipulated Protective Order. Having reviewed the form of protective order submitted by the parties, the court finds it appropriate to issue this interim order.

IT IS HEREBY ORDERED that, no later than January 5, 2006, the parties shall file a revised form of protective order that makes the following changes:

1. Revises paragraph 1 to apply only to documents designated "Confidential" or "Confidential – Attorneys Eyes Only";<sup>1</sup>
2. Omits paragraph 13;<sup>2</sup>

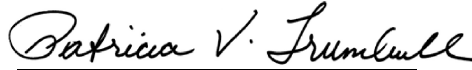
<sup>1</sup> The court is not aware of any legal authority for a court to restrict a party's use of documents that do not qualify for protection under Federal Rules of Civil Procedure 26(c). The parties are free to enter into a private agreement to restrict their use of such documents, but the court will not order any such restriction.

<sup>2</sup> Blanket protective orders are intended to facilitate application of the protections afforded under Federal Rules of Civil Procedure 26(c), which does not address the standards applicable to inadvertent production of privileged or work product information. Any inadvertent production of

3. Revises paragraph 15 to make it clear that the protective order does not relieve a party served with a valid subpoena or document request in another action or proceeding from the obligation to comply with the deadline for production set in such subpoena or document request, and that the burden is on the designating party to file a motion to quash or other appropriate motion, and if necessary a motion to stay the deadline for production, before the deadline passes; and
4. Adds the phrase "other than the court" after the phrase "Confidential Information" at line 28 on page 8.

IT IS FURTHER ORDERED that, pending entry of the final form of protective order, the provisions of the parties' proposed form of protective order, as modified herein, shall govern the handling of confidential information exchanged or disclosed during discovery in this case.

Dated: 12/15/06

  
 PATRICIA V. TRUMBULL  
 United States Magistrate Judge

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privileged or work product information will be handled in accordance with the standards developed by the courts for those situations. *See, e.g., Hartford Fire Ins. Co. v. Garvey*, 109 F.R.D. 323, 331-32 (N.D.Cal. 1985).